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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,006	09/24/2004	Thomas J Hormann	LZ-89PCT	1083
7590	06/26/2006		EXAMINER PUROL, DAVID M	
Friedrich Kueffner Suite 910 317 Madison Avenue New York, NY 10017			ART UNIT 3634	PAPER NUMBER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/509,006
Filing Date: September 24, 2004
Appellant(s): HORMANN ET AL.

Friedrich Kueffner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed March 13, 2006 appealing from the Office action mailed September 13, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

No evidence is relied upon by the examiner in the rejection of the claims under appeal.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-10 stand rejected under 35 U.S.C. 102(e) as anticipated or, in the alternative, under 35 U.S.C. 103(a) as obvious over Mondragon et al. Mondragon et al disclose a sectional door comprising rail elements 28a,28b,32a,34a,30a,70a,72a, 74a,76a. The particular degree of the tangents of the arc-shaped sections as disclosed by Mondragon et al are seen as being encompassed therein as depicted in the figures or in the alternative an obvious variation thereof.

(10) Response to Argument

The appellant argues that at the time of the priority date of Mondragon et al the guide elements were produced with such an accuracy that a tangent to the end of the arc-shaped section facing away from the straight section and the corresponding straight section include a predetermined angle with an accuracy of by far less than one degree. However, there is nothing to indicate in the Mondragon et al that such an accuracy of less than one degree was being employed in the manufacturing of the rail elements. Even so, note that Mondragon et al specifically state that the curvilinear transition sections 74a,74b have a substantially elliptical curvature throughout the transition section length wherein the major axis of the elliptical curvature extends generally horizontally and the minor axis of the elliptical curvature extends generally vertically which in this way provides an improved arrangement of a track assembly provided for low ceiling height or other low headroom applications. Such an arrangement by definition sets forth an angle between the tangential lines within the claimed range.


Art Unit: 3634

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


David Puror
Primary Examiner
Art Unit 3634

Conferees:

Pete Cuomo 

Richard Chilcot